

*Berman, J*

**Judge Berman**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE ROYALTY NETWORK INC.,

Plaintiff,

v.

COLUMBIA RECORDING CORPORATION,  
SONY BMG MUSIC ENTERTAINMENT,  
individually and d/b/a SONY BMG SALES  
ENTERPRISE, BEYONCE GISSELLE  
KNOWLES, individually and d/b/a B-DAY  
PUBLISHING, and EMI APRIL MUSIC, INC.,

Defendants.  
-----X

Case No. **07 CV 3067**

**ORDER TO SHOW CAUSE FOR  
A PRELIMINARY INJUNCTION  
WITH TEMPORARY RESTRAINING  
ORDER**

**ECF CASE**

UPON the summons and complaint filed in this action, the declaration of Frank Liwall, executed on April 12, 2007, the declaration of Felix Hines, executed on April 12, 2007, the declaration of James Armay, executed on April 13, 2007, the declaration of Anthony Motta, executed on April 16, 2007, and the exhibits annexed thereto, and upon the accompanying Memorandum of Law, and pursuant to Rule 65 of the Federal Rules of Civil Procedure; it is

**ORDERED** that the defendants shall come before this court at 9:45 o'clock, A.m., on April 23, 2007, or as soon thereafter as counsel can be heard, in Room 14A at the United

States Courthouse, 500 Pearl Street, New York, New York, at a conference relating to P's application to show cause why plaintiff's

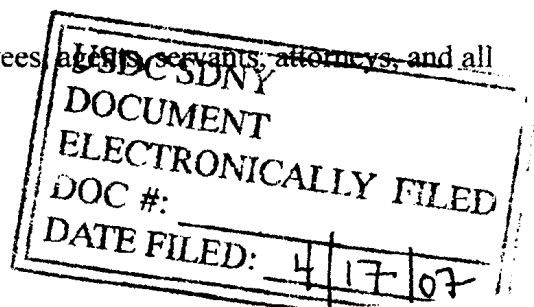
motion should not be granted, and an order entered against the defendants, Columbia Recording

Corporation, Sony BMG Music Entertainment individually and a d/b/a Sony BMG Sales

Enterprise, Beyoncé Giselle Knowles individually and d/b/a B-Day Publishing, and EMI April

Music, Inc., their affiliates, officers, directors, employees, agents, servants, attorneys, and all

others acting in concert or in participation with them:



a) for a preliminary injunction enjoining any further infringements of the copyright held by Timothy Atack and Desree Weeks in the musical composition entitled, "I'm Kissing You" registered with the U.S. Copyright Office on April 2, 2007, including but not limited to: (i) manufacturing, selling, distributing, advertising and soliciting or causing to be manufactured, sold, and distributed the album entitled *B'Day Deluxe Edition* with the musical composition "Still in Love (Kissing You)" embodied thereon, (ii) manufacturing, selling, distributing, advertising and soliciting or causing to be manufactured, sold, and distributed the album entitled *B'Day Deluxe Edition/DVD Video Anthology* with the musical composition "Still in Love (Kissing You)" embodied thereon and/or a DVD containing a music video of the musical composition "Still in Love (Kissing You)", (iii) exhibiting or publicly performing the musical composition "Still in Love (Kissing You)" and (iv) disseminating or causing to be disseminated in any format and in any manner a music video of the musical composition "Still in Love (Kissing You)", and

b) for a mandatory injunction requiring the recall from all distributors and retailers of the album entitled *B'Day Deluxe Edition* with the musical composition "Still in Love (Kissing You)" embodied thereon and the album entitled *B'Day Deluxe Edition/DVD Video Anthology* with the musical composition "Still in Love (Kissing You)" embodied thereon and/or a DVD containing a music video of the musical composition "Still in Love (Kissing You)", and it is further

~~ORDERED~~ that pending the hearing of this motion defendants, their affiliates, officers, directors, employees, agents, servants, attorneys, and all others acting in concert or in participation with them are enjoined from committing any further infringements of the copyright held by Timothy Atack and Desree Weeks in the musical composition entitled, "I'm Kissing

~~You<sup>2</sup> registered with the U.S. Copyright Office on April 2, 2007, and it is further~~

~~ORDERED that this Temporary Restraining Order shall become of full force and effect  
upon plaintiff giving Bond as required by law in the sum of \$ \_\_\_\_\_ and approved by  
the Court, and it is further~~

~~PERSONAL~~  
ORDERED that service of a copy of this order to show cause, together with the

summons and complaint and the other papers upon which it is granted, shall be deemed good and

sufficient if made on or before April 19, 2007 ~~by Federal Express, overnight delivery,~~ to each of  
the parties at the addresses set forth below:

COLUMBIA RECORDING CORPORATION  
550 Madison Avenue, 15th Floor  
New York, New York 10022

SONY BMG MUSIC ENTERTAINMENT  
SONY BMG SALES ENTERPRISE  
550 Madison Avenue, 15th Floor  
New York, New York 10022

BEYONCE GISSELE KNOWLES  
B--DAY PUBLISHING  
c/o Goldring, Hertz, Lichenstein & Haft  
450 North Roxbury Drive  
8<sup>th</sup> Floor  
Beverly Hills, CA 90210

EMI APRIL MUSIC, INC.  
810 Seventh Avenue, 36th Floor  
New York, New York

Dated: April 16, 2007

SO ORDERED:

RMB

U.S.D.J.

Richard M. Berman

Any response should be  
joint by defendants +  
served + filed by noon  
on 4/20/07 with simultaneous  
hand delivery to Chambers  
of courtesy copy. Parties to  
restitute settlement in good  
faith prior to 4/23/07 conference.